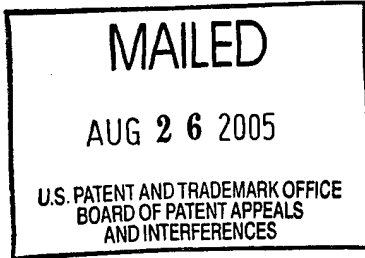


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
\_\_\_\_\_

Ex parte ROLAND VINCENT St. JOHN KILLICK

\_\_\_\_\_  
Application 09/520,576  
\_\_\_\_\_

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER  
\_\_\_\_\_

This application was received electronically at the Board of Patent Appeals and Interferences on July 25, 2005. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being electronically returned to the examiner. The matters requiring attention prior to docketing are identified below.

On March 21, 2005, an "Amendment Under § 41.33(b)" was filed. There is no indication in the record of whether or not the examiner has considered the Amendment.

In addition, the Examiner's Answer mailed May 5, 2005 is not in compliance with the new rules which became effective on September 13, 2004.

Application 09/520,576

Accordingly, it is

ORDERED that the application is returned to the  
Examiner:

1. for clarifying the entry status of the "Amendment  
Under § 41.33(b)" filed March 21, 2005:

a. If the amendment is not to be entered, appellant  
should be notified in writing that the Appeal Brief is defective  
because the "Status of Claims," "Grounds of Rejection to be  
Reviewed on Appeal," and "Argument" sections still reflect that  
both sets of claims 53 and 54 are pending. A new Appendix to the  
Appeal Brief which contains a correct copy of the claims involved  
in the appeal is also needed.

2. to vacate the Examiner's Answer mailed May 5, 2005,  
and issue a revised Examiner's Answer in compliance with the new  
rules which went into effect on September 13, 2004;

3. to have a copy of the substitute Appeal Brief, if  
needed, and any revised Examiner's Answer scanned into the  
record; and

Application 09/520,576

4. for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: 

CRAIG R. FEINBERG  
Program and Resource Administrator  
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CRF/psb

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